

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1 and 3-18 will be pending. By this amendment, claims 1, 3-6, 10, 11, 13, and 14 have been amended, claim 2 has been canceled, and new claims 18-19 have been added.

§102 Rejection of Claims 1-2, 6-8, 10-12, and 14-16

In Section 4 of the Office Action, the Examiner has rejected claims 1-2, 6-8, 10-12, and 14-16 under 35 U.S.C. §102(e) as being unpatentable over Kumar et al. (U.S. Patent 6,665,731; hereinafter referred to as "Kumar"). This rejection is respectfully traversed below.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. An apparatus comprising:
 - a controller module including:
 - a backplane,
 - a data port, coupled to said backplane, configured to receive an input/output module, and
 - a processor, coupled to said backplane, configured to control the input/output module connected said data port; and
 - an interface module removably coupled to said controller module and including:
 - a network interface configured to receive an input formatted in eXtensible Markup Language from a remote computer,
 - a parser, coupled to the network interface, configured to parse the input, configured to determine a control action encoded within the input, and
 - a real-time operating system for controlling the operation of said interface module.

Accordingly, in one aspect of claim 1, the apparatus includes a controller module and an interface module that is removably connected to the controller module. The interface module provides a network interface that receives eXtensible Markup Language (XML) input and a parser that parses the XML input to determine a control action. In addition, the interface module operates using a real-time operating system.

Claim 1 has been amended and the Examiner's arguments presented in rejecting claim 1 in Section 5 of the Office Action do not appear to apply to amended claim 1. It does not appear that these arguments address an interface module as called for in claim 1. For example, in claim 1, the interface module includes a parser for XML and is removably connected to the controller module.

Accordingly, it does not appear that the Examiner has established how Kumar, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how Kumar shows or suggests amended claim 1 as a whole. Similar arguments apply to claims 6, 10, and 14, and so to claims 7-8 that depend from claim 6, to claims 11-12 that depend from claim 10, and to claims 15-16 that depend from claim 14.

Claim 2 has been canceled, thereby obviating the rejection thereof.

Based upon the foregoing, it is submitted that claims 1-2, 6-8, 10-12, and 14-16 are not anticipated by nor rendered obvious by the teachings of Kumar, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-2, 6-8, 10-12, and 14-16 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 3-5, 9, 13, and 17

In Section 11 of the Office Action, the Examiner has rejected claims 3-5, 9, 13, and 17 under 35 U.S.C. §103(a) as being unpatentable over Kumar in view of Graber et al. (U.S. Patent 5,162,986; hereinafter referred to as "Graber"). This rejection is respectfully traversed below.

Regarding claims 3-5, claims 3-5 depend from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejections of claims 3-5 have also been overcome through the dependence of claims 3-5 on claim 1.

Regarding claim 9, claim 9 depends from claim 6. As discussed above, it is submitted that the rejection of claim 6 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 9 has also been overcome through the dependence of claim 9 on claim 6.

Regarding claim 13, claim 13 depends from claim 10. As discussed above, it is submitted that the rejection of claim 10 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 13 has also been overcome through the dependence of claim 13 on claim 10.

Regarding claim 17, claim 17 depends from claim 14. As discussed above, it is submitted that the rejection of claim 14 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 17 has also been overcome through the dependence of claim 17 on claim 14.

Based upon the foregoing, it is submitted that claims 3-5, 9, 13, and 17 are not anticipated by nor rendered obvious by the teachings of Kumar and Graber, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 3-5, 9, 13,

and 17 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

New Claims

New claims 18-19 depend from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is submitted that claims 18-19 should be allowable.

CONCLUSION

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1 and 3-18 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Hans R. Mahr, Reg. No. 46,138 for
William S. Frommer
Reg. No. 25,506
(212) 588-0800